

Honorable Laura Gene Middaugh  
Noted for April 15, 2011  
Without oral argument

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON  
FOR KING COUNTY

CITY OF SEATTLE, A Washington municipal  
corporation,

Plaintiff,

vs.

PROTECT SEATTLE NOW; ANDREW  
PAXTON, in his capacity as Protect Seattle  
Now's Committee Chair and a principal  
referendum petitioner; SCOT BRANNON, in  
his capacity as Protect Seattle Now's Treasurer  
and a principal referendum petitioner; LET'S  
MOVE FORWARD; PHIL LLOYD, in his  
capacity as Let's Move Forward's  
Secretary/Treasurer; WASHINGTON STATE  
DEPARTMENT OF TRANSPORTATION.

Defendants.

No. 11-2-11719-7 SEA

STIPULATION AMONG SOME PARTIES  
AND ORDER OF BRIEFING SCHEDULE  
FOR MOTIONS FOR SUMMARY  
JUDGMENT

Noted for: Friday, April 15, 2011  
Without Oral Argument

(CLERK'S ACTION REQUIRED)

**I. STIPULATION**

On April 5, 2011, the City filed a Motion for Leave and for an Expedited Summary  
Judgment Briefing Schedule. That Motion is noted for Friday, April 15 without oral argument.  
City of Seattle, Washington State Department of Transportation, Let's Move Forward, Phil Lloyd,

STIPULATION & ORDER OF BRIEFING SCHEDULE - 1 of 6 + Sa.

ORIGINAL

**PETER S. HOLMES**  
Seattle City Attorney  
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Seattle, WA 98124-4769  
(206) 684-8200

1 and Scot Brannon have conferred and have now agreed to the stipulated briefing schedule below.  
2 Defendants Protect Seattle Now and Andrew Paxton have not appeared and have not agreed to  
3 this stipulation.

- 4 • The City and all parties requesting substantially the same relief as the City (the "Moving  
5 Parties"), other than the Washington State Department of Transportation, shall file and serve  
6 their motions for summary judgment and all supporting documents by Friday, April 15,  
7 2011 and have leave to file motions for summary judgment on that date;
- 8 • The Washington State Department of Transportation shall file and serve any motion for  
9 summary judgment and all supporting documents by Monday, April 18, 2011 and has leave  
10 to file a motion for summary judgment on that date;
- 11 • All parties opposing the Moving Parties' motions for summary judgment shall file and serve  
12 a consolidated responsive brief in lieu of individual responses to each moving party and may  
13 file an over length brief that does not exceed the sum of the pages of the moving parties'  
14 briefs. This responsive brief and all supporting documents shall be filed and served by 4:30  
15 PM on Wednesday, May 4, 2011;
- 16 • The Moving Parties shall file and serve their replies in support of their motions by Tuesday,  
17 May 10, 2011 at noon;
- 18 • The Court shall schedule oral argument on these motions on Friday, May 13, 2011;<sup>1</sup> and  
19 • The following parties have agreed to service of further papers via electronic mail at the  
20 addresses below:

21  
22  
23 <sup>1</sup> It is the City's understanding that this Court has an available oral argument slot on Friday, May  
13, 2011 at 10:00 a.m.

1 **For the City of Seattle:**

2 John B. Schochet: john.schochet@seattle.gov  
3 Jeff Slayton: jeff.slayton@seattle.gov  
4 Gary Keese: gary.keese@seattle.gov

4 **For the Washington State Department of Transportation:**

5 Bryce E. Brown: bryceb@atg.wa.gov  
6 Daniel W. Galvin: danielg2@atg.wa.gov

6 **For Scot Brannon:**

7 Eric D. "Knoll" Lowney: knoll@igc.org

8 **For Let's Move Forward and Phil Lloyd:**

9 Paul Lawrence: paul.lawrence@pacificallawgroup.com

10  
11 DATED: 4/13/11

PETER S. HOLMES  
Seattle City Attorney

12  
13 By: 

14 Jeff Slayton, WSBA No. 14215  
15 John B. Schochet, WSBA No. 35869  
16 Gary E. Keese, WSBA No. 19265  
17 Assistant City Attorneys  
18 Attorneys for Plaintiff City of Seattle

16 DATED: 4/13/11

17 ROBERT M. MCKENNA  
18 Attorney General

19 By: 

20 Bryce E. Brown, WSBA No. 21230  
21 Daniel W. Galvin, WSBA No. 18334  
22 Assistant Attorneys General  
23 Attorneys for WA State Dept. of Transportation

1 DATED: 4/13/11

SMITH & LOWNEY, PLLC

2  
3 By: 

4 Eric D. "Knoll" Lowney, WSBA No. 23457  
5 Attorney for Scot Brannon

6 DATED: \_\_\_\_\_

PACIFICA LAW GROUP LLP

7  
8 By: \_\_\_\_\_

9 Paul Lawrence, WSBA No. 13557  
10 Attorney for Let's Move Forward and Phil Lloyd

## 11 II. ORDER

12 THIS MATTER having come before the court on the stipulation of some of the parties,  
13 the Court having reviewed the files and records herein; now, therefore it is hereby

14 **ORDERED** that the briefing schedule in this matter is as follows:

- 15 • The City and all parties requesting substantially the same relief as the City (the "Moving  
16 Parties"), other than the Washington State Department of Transportation, shall file and serve  
17 their motions for summary judgment and all supporting documents by Friday, April 15,  
18 2011 and have leave to file motions for summary judgment on that date;
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23 a consolidated responsive brief in lieu of individual responses to each moving party and may

STIPULATION & ORDER OF BRIEFING SCHEDULE - 4 g6 +5a

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1 DATED: \_\_\_\_\_

SMITH & LOWNEY, PLLC

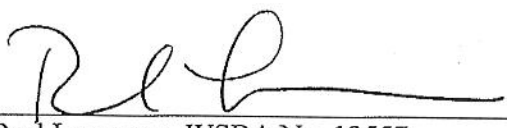
2  
3  
4 By: \_\_\_\_\_

Eric D. "Knoll" Lowney, WSBA No. 23457  
Attorney for Scot Brannon

5 DATED: 4/13/11

PACIFICA LAW GROUP LLP

6  
7  
8 By: \_\_\_\_\_

  
Paul Lawrence, WSBA No. 13557  
Attorney for Let's Move Forward and Phil Lloyd

9  
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2 briefs. This responsive brief and all supporting documents shall be filed and served by 4:30  
3 PM on Wednesday, May 4, 2011;

- 4 • The Moving Parties shall file and serve their replies in support of their motions by Tuesday,  
5 May 10, 2011 at noon; and

- 6 • The Court <sup>has</sup> ~~shall~~ scheduled oral argument on these motions on Friday, May 13, 2011 at  
7 10:00am.

8 • See attached Page 5a.  
9 DONE IN OPEN COURT this 15 day of April, 2011.

10  
11   
HONORABLE LAURA GENE MIDDAUGH

12 Presented by:

13 PETER S. HOLMES  
14 Seattle City Attorney

15 By: 

16 Jeff Slayton, WSBA No. 14215  
17 John B. Schochet, WSBA No. 35869  
Gary E. Keese, WSBA No. 19265  
Assistant City Attorneys  
Attorneys for Plaintiff City of Seattle

18 Approved for Entry:

19 ROBERT M. MCKENNA  
20 Attorney General

21 By: 

22 Bryce E. Brown, WSBA No. 21230  
23 Daniel W. Galvin, WSBA No. 18334  
Assistant Attorneys General  
Attorneys for WA State Dept. of Transportation

STIPULATION & ORDER OF BRIEFING SCHEDULE - 5pgs + 2a

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1 The Court notes the following:

- 2 1. Declarations of Service on file indicate that Scott Brannon, who is named as a party,  
3 was served "in his capacity as Project Now's Treasurer" on April 4, 2011 and April 1,  
4 2011 and "as principal referendum petitioner for Protect Seattle Now" on April 4,  
5 2011. A Notice of Appearance was entered on his personal behalf and he has joined  
6 in the current stipulation  
7
- 8 2. "Seattle Citizens Against the Tunnel," by Elizabeth Campbell, pro se, has filed a  
9 Notice of Appearance "pursuant to CR 23.2"; indicated that it is a member of Protect  
10 Seattle Now and has an equal interest in and is a "real party in interest" in the  
11 pending action; and requested "special notice of all matters, steps, and proceedings"  
12 in this case. It appears from Declarations of Service filed by the plaintiff that it has  
13 served Ms. Campbell with copies of the pending motion. As of the date of this order  
14 the Court has not received any motion to Intervene nor, upon review of the Electronic  
15 Court Record, does any such motion appear to have been filed.  
16

17  
18 In addition to the Orders on pages 4 and 5 of the Stipulation, the Court orders the following

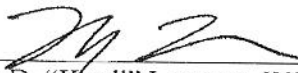
- 19 1. This order is without prejudice to any party who has not been served.
- 20 2. The parties may provide notice of actions under these proceedings and copies of  
21 documents to anyone, including a non-party. However, Seattle Citizens Against the  
22 Tunnel is not a party nor entitled to notice just by virtue of filing the Notice of  
23 Appearance.  
24

25 4/15/11

26   
27 Judge Laura Gene Middaugh  
28  
29

1 SMITH & LOWNEY, PLLC

2  
3 By:

  
Eric D. "Knoll" Lowney, WSBA No. 23457  
Attorney for Scot Brannon

4  
5 PACIFICA LAW GROUP, LLP

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Attorney for Let's Move Forward and Phil Lloyd

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STIPULATION & ORDER OF BRIEFING SCHEDULE - 6/6/15

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STIPULATION & ORDER OF BRIEFING SCHEDULE - 6 gk +sq

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